

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

MEHDI MALEK GHASSABI,

Defendant.

CASE NO. CR17-273RSM

ORDER DENYING MOTION FOR
RECONSIDERATION RE:
COMPASSIONATE RELEASE AND
RENOTING MOTION

This matter comes before the Court on Defendant Ghassabi's Motion for Sentencing Reduction and Motion for Reconsideration, both contained in the same filing. Dkt. #60.

The Court will first address the Motion for Reconsideration of the Court's February 16, 2021, Order denying a Motion for Compassionate Release, Dkt. #59. At the time of the underlying Motion, Mr. Ghassabi was an inmate at Reeves County Detention Center in West Texas ("Reeves I/II") and moved for a reduction in his sentence to time served or, alternatively, to order him released to home confinement at his residence in Canada. *Id.* Mr. Ghassabi made this request due to his risk of contracting COVID-19 while incarcerated. The Court denied the request, finding that he had failed to demonstrate one or more medically-documented chronic health conditions rendering him more vulnerable to COVID-19. *Id.* at 5.

Mr. Ghassabi now states that he has been transferred to a new BOP facility, Fort Worth Medical Center. Dkt. #60 at 1. He states that the facility has removed some of the protective covering from room doors and Fort Worth "is a medical center consisting of more inmates with underlying conditions than a normal BOP facility." *Id.* He states that he has "the same medical condition" as previously stated to the Court. *Id.* He expresses concern over the Delta variant.

1 Motions for reconsideration are disfavored. CrR 12(b)(13)(A). The court will ordinarily
2 deny such motions in the absence of a showing of manifest error in the prior ruling or a showing
3 of new facts or legal authority which could not have been brought to its attention earlier with
4 reasonable diligence. *Id.*

5 As an initial matter, the Court notes that over six months have passed since the prior Order
6 and that Mr. Ghassabi has been transferred to a new facility. The Court cannot reconsider its
7 prior ruling given the change in these factual circumstances. Further, as Mr. Ghassabi is in a new
8 facility, he must apply to the warden of that facility for compassionate release pursuant to 18
9 U.S.C. § 3582(c)(1)(A) prior to seeking this relief anew from the Court.

10 Even if Mr. Ghassabi had satisfied these procedural requirements, the Court would not
11 grant the requested relief based on the limited facts submitted. The Court has no reason to believe
12 it would come to a different conclusion based on small differences in the BOP facility's safety
13 measures and no change to his medical condition. In any event, Mr. Ghassabi has failed to
14 demonstrate manifest error in the prior ruling.

15 Accordingly, having reviewed the Motion, along with the remainder of the record, the
16 Court hereby finds and ORDERS that Defendant's Motion for Reconsideration, Dkt. #60, is
17 DENIED. The Court DIRECTS the clerk to RE-NOTE this Motion, Dkt. #60, for consideration
18 of the remaining requested relief for consideration on a date pursuant to CrR 12(b)(6).

19 DATED this 3rd day of September, 2021.

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24 RICARDO S. MARTINEZ
25 CHIEF UNITED STATES DISTRICT JUDGE
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